

Law's Expressive Value in Combating Cyber Gender Harassment

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The online harassment of women exemplifies twenty-first century behavior that profoundly harms women yet too often remains overlooked and even trivialized. This harassment includes rape threats, doctored photographs portraying women being strangled, postings of women's home addresses alongside suggestions that they should be sexually assaulted and technological attacks that shut down blogs and websites. It impedes women's full participation in online life, often driving them offline, and undermines their autonomy, identity, dignity, and well-being. But the public and law enforcement routinely marginalize women's experience, deeming it harmless teasing that women should expect, and tolerate, given the Internet's Wild West norms of behavior.

The trivialization of phenomena that profoundly impact women's basic freedoms is nothing new. No term even existed to describe sexual harassment of women in the workplace until the 1970s. The refusal to recognize harms uniquely impacting women has an important social meaning—it conveys the message that abusive behavior towards women is acceptable and should be tolerated.

Grappling with the trivialization of cyber gender harassment is a crucial step to understanding and combating the harm that it inflicts. My previous work *Cyber Civil Rights* explored law's role in deterring and punishing online abuse. This Essay emphasizes what may be law's more important role: its ability to condemn cyber gender harassment and change the norms of acceptable online behavior. Recognizing cyber harassment for what it is—gender discrimination—is crucial to educate the public about its gendered harms, to ensure that women's complaints are heard, to convince perpetrators to stop their online attacks, and ultimately to change online subcultures of misogyny to that of equality.